

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIE CHEER,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

Case No. 09-cv-1445-MJP-JPD

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of her application for disability benefits by the Commissioner of the Social Security Administration. Dkt. No. 4. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. No. 22.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. The parties have stipulated that on remand, an Administrative Law Judge (“ALJ”) will hold a de novo hearing and Plaintiff may raise any issue. Further, the ALJ will: (1) reevaluate the medical source evidence of record, including the medical opinion of Dat Nguyen, M.D.; (2) reassess Plaintiff’s residual functional capacity and credibility; (3) obtain vocational expert testimony to assist in

1 determining whether Plaintiff can perform past relevant work consistent with SSR 00-4p; (4)
2 make a new step four determination consistent with SSRs 96-8p and 82-62, including that past
3 relevant work generally must have been performed within 15 years of Plaintiff's date last insured
4 for the purpose of a Title II claim and within 15 years of the date of the ALJ's decision on
5 remand for the purpose of a Title XVI claim; and (5) complete the sequential evaluation process.

6 The parties further stipulate that Plaintiff may submit additional evidence and arguments
7 to the ALJ on remand. The ALJ will issue a de novo decision, and those other aspects of the
8 ALJ's prior decision not specifically addressed here are not specifically affirmed.

9 A proposed order accompanies this Report and Recommendation.

10 DATED this 19th day of May, 2010.

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13 JAMES P. DONOHUE
14 United States Magistrate Judge
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